

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of Ameren        )  
Transmission Company of Illinois for a        )  
Certificate of Convenience and Necessity        )  
under Section 393.170, RSMo relating to        )  
Transmission Investments in Southeast        )  
Missouri.    )

**File No. EA-2022-0099**

**STAFF POSITION STATEMENT**

COMES NOW the Staff of the Missouri Public Service Commission, and states  
as follows:

**List of Issues**

- Does the Commission have jurisdiction over the various Agreements presented by ATXI?

*Staff position: The Commission has jurisdiction under Section 393.170.1, RSMo (Supp. 2021) to decide whether ATXI should be authorized to begin construction of the project components that ATXI proposes to construct, operate, and retain ownership of, as outlined in the subsequent question. However, in regards to the three contracts- Joint Operating Agreement, Construction Agreement, and Operation and Maintenance Agreement- the Commission does not possess authority under Section 393.170.1, to grant a Certificate of Convenience and Necessity with regard to these contracts, or to order or prohibit execution of these contracts.*

- Over which Project components described in the Application does the Commission have jurisdiction?

*Staff position: The jurisdiction of the Commission extends to authorizing construction of project components by ATXI. Specifically,*

*(a) A partial interest in the new Comstock Substation, at an estimated cost of \$5.4 million to ATXI;*

*(b) Construction and modification of those certain of the six transmission lines adjacent to the new Comstock substation in which ATXI will retain ownership at an estimated cost of approximately \$124,000 to ATXI;*

*(c) A partial interest in the construction of an approximately 1.2 mile long single circuit 161 kV transmission line, at an estimated cost of approximately \$700,000 to ATXI;*

*(d) A partial interest acquired in the existing 28 mile 161 kV line owned by SBMU, at a cost of \$510,000 to ATXI.*

*-Sarah Lange Rebuttal at pages 3-4.*

- Is the Project, or the components of the Project over which the Commission has jurisdiction in the public interest?

*Staff position: No. The public interest assessment involves the evaluation of all other Tartan Criteria: need for the project, its economic feasibility, the qualifications and financial ability of the entity requesting to construct and operate a project. Staff considers the evaluation of the separate Tartan criteria and whether, on balance, the project promotes the public interest. Additionally, Staff reviews the project and whether there are any considerations not covered by the other Tartan Criteria that should be considered in the public interest assessment.*

*From the perspective of ATXI, who is anticipated to be fully compensated for its investment, the project is economically feasible. However, in balancing the interests of the general public and ratepayers on a statewide basis, not considering a particular utility's operating area in isolation, , there is potential harm to other Missouri ratepayers (specifically customers in SPP). Due to the lack of information regarding the economics of the project as it affects the general public and ratepayers on a statewide basis, Staff recommends the Commission deny ATXI's application.*

*-Claire Eubanks Rebuttal at page 4-5.*

- Does the Project provide net benefits to customers in the Ameren Missouri (AMMO) Pricing Zone? Is there any net avoided benefit to customers in the Southwest Power Pool (SPP) Pricing Zone?

*Staff position: There is potential harm to other Missouri ratepayers (specifically customers in SPP) and there is a lack of information regarding the economics of the project. Further, Staff is concerned that the Ameren Missouri MISO pricing zone will not see a net benefit until the year \*\* [REDACTED] \*\**

*In order to weigh the public interest of this project, the purported benefits to Ameren Missouri's MISO load zone would need to be balanced with the detriment that change will have on Missouri customers in SPP.*

*– Provided as Staff's response to ATXI DRs 21 and 24, to be offered into evidence at hearing;*

*ATXI's testimony on economic feasibility is from the perspective of Ameren Missouri, that the increase in MISO revenue requirement caused by the project will be offset or exceeded by the increase in revenues. ATXI also testifies that the project will enable Sikeston to avoid SPP transmission charges. Staff cannot say whether the project is economically feasible from the perspective of Missouri ratepayers without comparing how SPP expenses resulting from the project compare to the modeled MISO expenses net of the modeled MISO increased revenues.*

*– Provided as Staff's response to ATXI DR 20, to be offered into evidence at hearing;*

*The project enables Sikeston to avoid SPP transmission charges, while that is a benefit to Sikeston, it is a potential harm to SPP load serving entities in that the avoided revenues would no longer be reducing SPP expenses. Staff cannot say whether the project is economically feasible from the perspective of Missouri ratepayers without comparing how SPP expenses resulting from the project compare to the modeled MISO expenses net of the modeled MISO increased revenues.*

*– Provided as Staff's response to ATXI DR 18, to be offered into evidence at hearing;*

- Should the Commission grant the authority for ATXI to possess a Certificate of Convenience and Necessity for those Project components over which it has jurisdiction?

*Staff position: No.*

*-Claire Eubanks Rebuttal at page 4.*

- If so, should any conditions be included in that approval, and specifically:
  - Can and should the Project be placed in a special Midcontinent Independent System Operator (MISO) transmission pricing zone?

*Staff position: Yes.*

### ***Recommended Conditions***

1. ***Throughout the right-of-way acquisition process, ATXI will use all reasonable efforts to follow the route depicted in Schedule SB-D7. But ATXI will be allowed to deviate from the depicted route in two scenarios:***
  - a. ***First, if surveys or testing do not necessitate a deviation, ATXI may deviate from the Final Proposed Route on a particular parcel if ATXI and the landowner on which the deviation will run agree. Either ATXI or landowner may initiate such a request to deviate.***
  - b. ***Second, if ATXI determines that surveys or testing require a deviation, ATXI will negotiate in good faith with the affected landowner and if agreement can be reached, ATXI may deviate from the depicted route on that parcel, as agreed with the affected landowner.***
2. ***With respect to any parcel other than the identified parcels on the Final Proposed Route where ATXI desires to locate the line, whether because testing or surveys necessitate acquisition of an easement on that parcel or for other reasons (e.g., a request from adjacent landowners), ATXI will negotiate in good faith with the landowner of the affected parcel over which ATXI has determined an easement is needed or desired and, if agreement is reached, may deviate from the Final Proposed Route by locating the line on the affected parcel but will notify the Commission of the deviation and parcels affected prior to construction on that parcel. If testing or surveys necessitate acquisition of an easement on such other parcel and agreement is not reached, despite good faith negotiations, ATXI will file a request with the Commission to allow it to deviate from the Final Proposed Route onto the affected parcel and shall, concurrently with the filing of its request with the Commission, send a copy of its request to the owner(s) of record of the affected parcel via U.S. Mail, postage prepaid, as shown by the County Assessor's records in the county where the affected parcel is located, or at such other address that has been provided to ATXI by the owner(s). ATXI shall fully explain in that request why ATXI determined the change in route is needed and file supporting testimony with its request and the name(s) and addresses of the owner(s) to whom it provided a copy of its request. After Commission notice of the opportunity for a hearing on the issue of whether the change in route should be approved is given to the owner, Staff, and OPC, as well as an opportunity to respond, the Commission will grant or deny the request.***

3. *Absent a voluntary agreement for the purchase of the property rights, the transmission line shall not be located so that a residential structure currently occupied by the property owners will be removed or located in the easement requiring, for electrical code compliance purposes, the owners to move or relocate from the property.*
4. *Prior to the commencement of construction on a parcel, ATXI will secure an easement that will include a surveyed legal description showing the precise dimension, including the length and width, for the permanent transmission line easement area for each affected parcel. In addition, ATXI will track each easement grant by way of a spreadsheet that identifies each parcel by Grantor and County, and which contains the recording information for each parcel. Upon securing all necessary easements for the Project, ATXI will file a copy of the spreadsheet with the Commission, to which a map will be attached. For each parcel, the map and the spreadsheet will include a unique indicator that allows the Commission to see where on the map that parcel is located.*
5. *ATXI shall file with the Commission and follow standard construction, clearing, maintenance, repair, and right-of-way practices.*
6. *ATXI shall file with the Commission in this case all required government approvals and permits—e.g., any applicable land disturbance permits, Missouri State Highway Commission permits, or US Army Corps of Engineers permits—before beginning construction on that part of the project where the approvals and permits are required.*
7. *ATXI shall file with the Commission the annual report it files with the Federal Energy Regulatory Commission.*
8. *ATXI shall file with the Commission in this case the final Operations and Maintenance Plan.*
9. *ATXI shall request and receive a separate MISO pricing zone for this Project.*

- *Claire Eubanks Rebuttal at pages 6 – 8; Michael Stahlman Rebuttal at page5.*

Respectfully submitted,

**/s/ Nicole Mers**

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**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing were served electronically to all counsel of record this 4th day of May, 2022.

**/s/ Nicole Mers**